
**Juvenile Justice & Family Law
Committee**

HB 1644

Brief Description: Changing the law pertaining to waiver of rights by a juvenile.

Sponsors: Representatives B. Sullivan and Lovick.

Brief Summary of Bill

- Prohibits a juvenile offender under the age of 16 from waiving his or her rights or objections without prior consultation with the juvenile's parent, guardian, custodian, or an attorney.

Hearing Date: 2/8/05

Staff: Sonja Hallum (786-7092).

Background:

Juveniles who are accused of criminal activity are provided essentially the same constitutional guarantees and procedural safeguards as an adult defendant. The following is a list of some of the rights a juvenile has in an offender proceeding in Washington:

- (1) To know the nature of the allegations against the juvenile;
- (2) To be represented by counsel;
- (3) To the appointment of necessary experts;
- (4) To have a speedy trial;
- (5) To confront witnesses against him;
- (6) To cross-examine witnesses against him;
- (7) To obtain witnesses or tangible evidence by compulsory process;
- (8) To introduce evidence on his own behalf;
- (9) To refrain from testifying against himself;
- (10) The privilege against self-incrimination;
- (11) To have the hearing open to the public; and
- (12) To have the state prove beyond a reasonable doubt that he or she committed the offense charged.

A juvenile over the age of 12 may waive his or her rights. The current Washington statutes do not require that a juvenile over the age of 12 consult with any other person before waiving any of his or her rights.

Under Washington case law, a court will review a juvenile's waiver of a right to determine whether the waiver was knowing and voluntary. The court will look to the circumstances surrounding the waiver and determine if the waiver was appropriate under the circumstances.

Summary of Bill:

A juvenile who is under the age of 16 may not waive his or her rights or objections in a criminal offender proceeding without prior consultation with the juvenile's parent, guardian, custodian, or attorney.

Appropriation: None.

Fiscal Note: Requested on February 7, 2005.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.